IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

WEDNESDAY, THE 12TH DECEMBER 2007 / 21ST AGRAHAYANA 1929

WP(C).No. 15488 of 2006(R)

PETITIONER:

K.M. VARGHESE, AGED 59,
S/O. MATHEW, KAIPPILLIPARAMBIL HOUSE,
NANDIKARA P.O., THRISSUR DISTRICT.

BY ADV. SRI.JOHNSON MANAYANI

RESPONDENTS:

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1. AVITTATHUR SERSVICE CO-OPERATIVE BANK LTD., NO.706, H.O. AVITTATHUR, REPRESENTED BY ITS SECRETARY, AVITTATHUR P.O., THRISSUR DISTRICT.

2. NELLAYI PARAPPUKARA SERVICE CO-OPERATIVE BANK LTD.NO.R.460, NELLAYI P.O., THRISSUR DISTRICT REP. BY ITS SECRETARY.

3. BENNY, S/O. MATHEW, KAIPPILLIPARAMBIL HOUSE, PULLOOR P.O., THRISSUR DISTRICT.

4. RAMAKRISHNAN, S/O. KANDAN, VETTIYATTIL HOUSE, CHALAKUDY THRISSUR DISTRICT.

5. MOHANAN, S/O. KOCHU NARAYANA MENON, KANIKKAPARAMBIL, ANNANADU P.O.

6. JOINT REGISTRAR (GENERAL) CO-OPERATIVE SOCIETIES, THRISSUR.

7. REGISTRAR OF CO-OPERATIVE SOCIETIES (GENERAL), SECRETARIAT, TRIVANDRUM.

8. SECRETARY TO CO-OPERATION,
SECRETARIAT, TRIVANDRUM.

9. THE DIRECTOR OF VIGILANCE
O/O. DIRECTOR OF VIGILANCE, TRIVANDRUM.

R1 BY ADV. SRI.G.SREEKUMAR (CHELUR)
SRI.P.V.KURIACHAN
R6 TO R9 BY GOVT. PLEADER SRI.P.K.RAVIKRISHNAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 12/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETIITONER'S EXHIBITS:

EXT.P1: TRUE COPY OF THE NOTICE ISSUED BY THE FIRST RESPONDENT TO THE 2ND RESPONDENT BANK TO RECOVER THE BALANCE ARREARS OF THE THIRD RESPONDENT FROM THE PENSIONARY BENEFITS OF THE PETITIONER.

EXT.P2: TRUE COPY OF THE LAWYER NOTICE DT.26.3.2005 ISSUED ON BEHALF OF THE PETITIONER.

EXT.P3: TRUE COPY OF THE REPLY NOTICE DT.6.4.2005 ISSUED TO THE PETITIONER.

EXT.P4: TRUE COPY OF THE PETITION FILED BY THE PETITIONER BEFORE RESPONDENTS 6 TO 9 DT.10.4.2006.

/TRUE COPY/

THOTTATHIL B.RADHAKRISHNAN, J.

W.P(C).No.15488 OF 2006

Dated this the 12th day of December, 2007

JUDGMENT

The petitioner and respondents 4 and 5 are sureties for a loan availed by the third respondent from the first respondent Bank. In the statement filed on behalf of the first respondent, recoveries made against the other respondents are shown. Under such circumstances, I do not find any legal infirmity or jurisdictional error in the impugned proceedings.

2. Having heard counsel for parties, distress action against the petitioner will stand deferred for a period of five months if the entire amounts outstanding are paid off in the mean while. It is clarified that the direction contained herein regarding deferring the impugned proceedings shall be taken as the last opportunity for the petitioner and his co-obligants to avoid further distress action.

The writ petition is disposed of as above.

Sd/-

THOTTATHIL B.RADHAKRISHNAN,
Judge

kkb.